

Application Ser. No. 09/939,865

Amendment F

REMARKS

DETAILED ACTION

1. Claims 3, 13, 26, 32, and 39-42 have been previously canceled.
Applicant has additionally canceled Claims 21-24, 44 and 46 herein.
Applicant has amended Claim 20 herein.
2. Claims 43-46 have been previously added.
Applicant has added Claims 47 and 48 herein.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 20-21, 27-28, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stark et al in view of Schur et al. In-as-much as Applicant is only entitled to the filing date of the CIP application for the new subject matter directed to the self-sealing mechanism recited in claim 20, the Schur et al reference is deemed to

Application Ser. No. 09/939,865

Amendment F

constitute prior art against this set of claims. Schur et al disclose a self-sealing one-way valve located within the chamber upstream of the gas receiving port. To provide such a one-way valve in the chamber of Stark et al upstream of the gas receiving port, to prevent backflow of media would have been obvious in view of Schur et al.

Examiner has noted an objection to Claim 45, wherein said claim would be allowable if amended to include the limitations of all intervening claims. Claim 45 depends indirectly from independent Claim 20. Applicant has amended Claim 20 to comprise the elements of Claim 45 and all intervening claims. Applicant believes Claim 20 is allowable as amended.

Applicant respectfully requests the Examiner reconsider and withdraw the rejection of Claim 20 based upon the amendment and remarks herein. Applicant earnestly believes that Claim 20 has been properly amended and comprises the elements of Claim 45 and all intervening claims.

Claim 21 has been canceled as the elements have been incorporated into Claim 20.

Claims 27 and 28 depend from Claim 20. Applicant believes claim 20 is allowable. Therefore, Applicant believes claims 27 and 28 are in proper format and also allowable. Applicant respectfully requests the Examiner reconsider and withdraw the rejection of Claims 27 and 28 based upon the amendment to Claim 20 and remarks herein.

Application Ser. No. 09/939,865

Amendment F

Claim 43 depends from Claim 20. Applicant believes claim 20 is allowable. Therefore, Applicant believes Claim 43 is in proper format and also allowable. Applicant respectfully requests the Examiner reconsider and withdraw the rejection of Claim 43 based upon the amendment to Claim 20 and remarks herein.

Claim 46 has been canceled as the elements have been incorporated into Claim 20.

5. Claims 22-25, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stark et al in view of Schur et al and further in view of Daubenberger et al. Schur et al teaches to provide a check-valve in a location between the gas receiving port and the mixing chamber to prevent backflow of the abrasive media. Daubenberger et al disclose a check-valve for one-way flow of media through a passageway comprising a hemispherical-shaped flexible material having a slit which closes to prevent backflow of media through the valve. To provide such a conventional hemispherical-shaped check-valve in the location taught by Schur et al to prevent backflow of media while minimizing the number of moving parts prone to wear, would have been obvious in view of Daubenberger et al.

Claims 22-24 and 44 have been canceled as the elements have been incorporated into Claim 20.

Application Ser. No. 09/939,865

Amendment F

Examiner has noted an objection to Claim 45, wherein said claim would be allowable if amended to include the limitations of all intervening claims. Claim 45 depends indirectly from independent Claim 20. Applicant has amended Claim 20 to comprise the elements of Claim 45 and all intervening claims. Applicant believes Claim 20 is allowable as amended.

Claim 25 depends from Independent Claim 20 as amended incorporating all elements of Claim 45. Applicant believes Claim 20 is allowable as amended.

Applicant respectfully requests the Examiner reconsider and withdraw the rejection of Claim 25 based upon the amendment to Independent Claim 20 and remarks herein. Applicant earnestly believes that Claim 20 has been properly amended and comprises the elements of Claim 45 and all intervening claims.

6. Claims 1-2, 4-12, 14-19, 29-31, and 33-38 are allowed.

Applicant earnestly thanks the Examiner for the allowance on Claims 1-2, 4-12, 14-19, 29-31, and 33-38.

7. Claim 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application Ser. No. 09/939,865

Amendment F

Applicant earnestly thanks the Examiner for the objected to Claim 45 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended Independent Claim 20 to include all of the limitations of the base claim and any intervening claims respective to Claim 45. Claims 27, 28 and 43 depend from Independent Claim 20. Applicant therefore believes Claims 27, 28 and 43 are also allowable.

8. Added Claims: Applicant has added Claims 47 and 48. Claims 47 and 48 depend from Independent Claim 20 as amended. Applicant believes the added claims are in proper format, comprise no new matter, and should be allowable based upon the allowance of Claim 20 as amended comprising the limitations of Claim 45 and all intervening claims.

Application Ser. No. 09/939,865

Amendment F

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONCLUSIONS

Applicants believe the amendments and remarks submitted herein, herein provide a complete response to the Office Action mailed on July 01st, 2005. Claims 1, 2, 4-12, 14-20, 25, 27-31, 33-38, 43, 47 and 48 remain in the application. Applicant believes the remaining claims are in condition for allowance. Applicant earnestly requests the Examiner reconsider the rejections of claims 1, 2, 4-12, 14-20, 25, 27-31, 33-38, 43, 47 and 48.

Application Ser. No. 09/939,865

Amendment F

The Examiner has established a shortened statutory period of three (3) months for response to the Office Action. Applicant has responded to the Office Action on or before September 01st, 2005 with a proper certificate of correspondence, being submitted in less than TWO MONTHS from the date of mailing of the Office Action. Therefore, the Applicant believes the response is timely and entitled to the respective benefits and that no additional fees are required at this time. Applicant believes the response provided is complete. Applicant believes the amendments have not introduced any new matter.

The present application, after entry of this amendment, comprises thirty-three (33) claims, including four (4) independent claims. Applicant has already submitted sufficient fees with the Original application for thirty-eight (38) claims, including four (4) independent claims. Applicant, therefore, believes that no additional fee respective to claims is currently due.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, a telephone call to the Agent of Record (Allen Hertz) at (561) 883-0115 (Office)(Please leave a message) or (561) 716-3915 (Cell phone) is respectfully solicited.

Respectfully submitted,

Page 15 of 16

Application Ser. No. 09/939,865

Amendment F



Allen D. Hertz

Agent of Record, Reg. No.: 50,942

Please submit all correspondence concerning this patent application to:

Allen D. Hertz

Registration Number: 50,942



31877

PATENT & TRADEMARK OFFICE

Customer Number: 31877
12784 Tullipwood Circle
Boca Raton, Florida 33428
Tel / Fax: 561/883-0115
Cell: 561/716-3915